

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----  
WAYNE BLANCHARD,

Petitioner,

vs

9:04-CV-1492

CALVIN WEST,

Respondent.

-----

APPEARANCES:

OF COUNSEL:

WAYNE BLANCHARD  
Plaintiff, Pro Se  
82-D-0190  
Elmira Correctional Facility  
P.O. Box 500  
Elmira, New York 14902

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Respondent  
Department of Law  
The Capitol  
Albany, NY 12224

GERALD J. ROCK, ESQ.  
Asst. Attorney General

HON. DAVID N. HURD  
United States District Judge

**ORDER**

Petitioner, Wayne Blanchard, brought a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By Report-Recommendation dated June 23, 2008, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that the petition be denied and that because he has made no “substantial showing of the denial of a constitutional right,” no certificate of appealability should issue with respect to any of

petitioner's claims. There have been no objections made to the Report-Recommendation, and further, it is noted that mail to the petitioner has been returned as undeliverable.

Accordingly, it is

ORDERED that

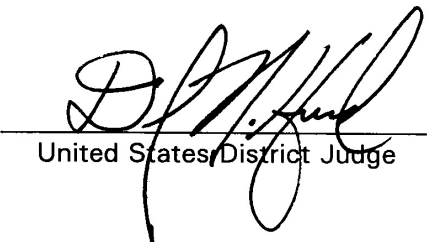
1. The petition for a writ of habeas corpus is DENIED;
2. The petition is DISMISSED in all respects; and
3. No certificate of appealability will be issued with respect to any of petitioner's

claims.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: July 29, 2008  
Utica, New York.



United States District Judge